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DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/827,554

Applicant(s)

WORKENS, MONICA L.

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 16, 17 and 25-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 16, 17 and 25-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Receipt is acknowledged of the RCE received on 24 January 2005.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 40 and 51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner notes that the claims recite a third account identifier associated with a third account to which funds can be transferred to and a fourth account from which funds can be transferred from. The specification and claims recite that the transaction is between different users and does not teach a user selecting a third and fourth account for transferring of funds.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 40, 51, and 64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 40 and 51, it is unclear to the Examiner why the card with associated account information of a first user would include an account identifier of a third account to which funds can be transferred to (understood as a different user).

Re claim 64, the claim is vague/indefinite because the claim recites the card storing at least one of an account identifier of an account to which funds can be transferred, selecting the at least one account to receive funds, and transferring funds to the second account. Therefore, it is unclear as to why a first at least one account is selected for receiving funds, when the funds are sent to a second account (of a different user).

Appropriate clarification/correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 16-17, 52-54, 56-58, and 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta (US 2004/0010457).

Re claim 1, Kakuta teaches a card reader (51) for reading information on a card associated with a users account. Though silent to the card including an account identifier/account number, the Examiner notes that it is well known and conventional to have an account identifier/number on the card/read from the card so that information regarding the card can be obtained and used to facilitate the transaction. Kakuta teaches receiving a command (transaction) and transferring funds in real time (instantaneously) from a first account to a second account (different user than the first account) (abstract, FIG. 2).

Re claim 2, Kakuta teaches the second account is a retailer (store) that is credited with the funds (see FIG. 4 receipt).

Re claim 3, as discussed above, the funds are transferred directly from the first account to the second account.

Re claim 4, FIG. 1-2 shows a terminal device having a card reader (such as is conventional for completing a transaction/purchase).

Re claim 5, FIG. 2 shows that a POS register communicates to case a transaction to be completed. It would have been obvious to send a signal to a controller/processor to complete the transaction, as is conventional in the art, in order to electronically process information to facilitate a purchase transaction.

Re claims 16-17, Kakuta teaches verifying the user with a PIN/code (paragraph [0059]) as a means for providing security.

Re claim 52, the limitations have been discussed above re claim 16.

Re claim 53, the limitations have been discussed above re claim 32.

Re claim 54, the limitations have been discussed above re claim 33.

Re claims 56-57, such displaying is taught by Kakuta (FIG. 5 for example).

Re claim 58, though silent to levying a fee for handling the funding of the transaction, the Examiner notes that it is well known and conventional in the art that fees are assessed for electronic card transactions, and typically the point of sale terminal/store pays the fees. Accordingly, fees for card-based transactions are an obvious expedient, as a means for paying for a convenience that a store can provide to its customers (electronic transactions). Additionally, fees are known to be levied at ATMs when different financial providers/bank accounts are being accessed.

Re claims 65-68, the limitations have been discussed above. The Examiner notes that it is obvious to perform the transaction by a processor(s)/controller(s) in order to complete the electronic transaction.

5. Claims 25-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta, as discussed above, in view of Ramachandran, as discussed in a previous Office Action.

The teachings of Kakuta have been discussed above.

Kakuta is silent to a point of sale terminal able to read a card with a plurality of identifiers on it, and selecting the desired account.

Ramachandran teaches consolidating a plurality of cards, including debit cards, into one card (abstract).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Kakuta with those of Ramachandran.

One would have been motivated to do this to consolidate cards for user convenience. The Examiner notes that though silent to a server connected to a point of sale terminal, that it would have been obvious to have such elements in order to complete a financial transaction, as is conventional in the art. Re claims 26-30, the Examiner notes that such transactions are well known and conventional in the art for being performed electronically/through the use of a debit card, and appear to be matters of intended use. The prior art teaches the structure of a card being able to complete a transaction instantaneously (transfer of funds). The specific types of transactions are obvious to one of ordinary skill in the art. Therefore, one would have been motivated to complete such transactions based on their financial situations/needs, as the card system of Ramachandran including the debit card means of Kakuta, could perform the conventional transactions in real time, for completion of funds transfers.

6. Claims 1, 25, 31-35, and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nel (US 2001/0002468).

Nel teaches a point of sale terminal having a card reader to read a card, the card providing accessibility to a plurality of accounts to fund a transaction, the point of sale terminal permitting the first user to select a first account associated with one of a plurality of accounts, and in response to a signal from the terminal, transferring the funds in real time from the first account of the first user to a second account of a second, different user (paragraph [0047] and FIG. 7+

which show purchasing of items). Though Nel is silent to the card storing a plurality of account identifiers, Nel teaches that the card user can select different accounts of the user (FIG. 8 for example). Accordingly, the Examiner notes that it would have been obvious to one of ordinary skill in the art to provide the account identifiers on the card itself, in order for the system to be able to ascertain directly from the card, the accounts of the user. The Examiner notes that whether to store the account identifiers on the card itself, or on a database accessible by the card, for example, can be based on constraints such as security (whether or not to place all the account identifiers on the card or to store them on a secure central location accessible by the cards), space constraints (whether to put extra memory on the card or to keep the costs of the card as small as possible), etc. Deciding to place the account identifiers on the card itself, would have been obvious to one of ordinary skill in the art, for such reasons. The Examiner additionally noted that the previous Office Action taught account identifiers stored on the card. Though silent to a first sever connected by the network, the Examiner notes that FIG. 1 shows a networked system. The use of a server would have been an obvious expedient to provide connectivity through a networked system.

Re claim 31, the Examiner notes that it is well known and conventional in the art to read an account number from a card, motivated in order to obtain account information to facilitate a transaction.

Re claim 32, a banking transaction is taught (see FIG. 8). As a savings account can be selected, it is determined to include a banking transaction.

Re claim 33, Nel teaches a non-banking transaction (FIG. 8 and 10A), through selection of a credit account, or purchase of shares for example.



Re claim 34, though silent to a credit card server, the Examiner notes that as a credit card account is verified, the Examiner notes it would have been obvious to communicate with such a server, in order to complete such verification.

Re claim 35, the Examiner notes that as the purchaser and vendor have accounts at separate institutions (abstract) it would have been obvious to one of ordinary skill in the art that as such, they would include separate servers, interconnected by networking.

Re claim 41, the Examiner notes that the teachings have been discussed above. Though silent to a wide area network, the Examiner notes that wide area networks are well known and conventional to permit communication across distances. Accordingly, as the system described by the prior art is able to be used across distances, it would have been obvious to use a wide area network to facilitate such communications.

Re claim 42, the limitations have been discussed above re claim 31.

Re claim 43, the limitations have been discussed above re claim 32.

Re claim 44, the Examiner notes that it has been discussed above that with respect to a credit card transaction, a credit card center is contacted to verify the possible transmission of funds. This is interpreted as a financial services center, and the use of server has been discussed above to provide communications. Additionally, the Examiner notes that it would have been obvious to contact an authority associated with a source of funds, in order to verify a possible transfer of funds, where such a source can be interpreted as a financial services server.

Re claim 45, the limitations have been discussed above re claim 33.

Re claim 46, the limitations have been discussed above re claim 35.

Re claims 36-39, 47-50, and 59-63, the Examiner notes that the claims are directed towards specific types of payments/transfers being made. Though the prior art is silent to such specific types of payments, the Examiner notes that self service terminals/ATMs as taught above are well known and conventional in the art for facilitating transfers, purchases, and payment of debt. The particular type of transfer/financial transaction is a matter of intended use. The Examiner notes that such terminals are known in the art to complete various financial transactions, and the completion of the specific type of transactions as claimed, would have been obvious to one of ordinary skill in the art, as a means to electronically complete a transaction at a terminal, where the terminal provides a convenience by permitting such transactions to be completed.

Re claim 55, the limitations have been discussed above re claim 34. The Examiner has interpreted that transferring the funds from a credit card can be interpreted as transferring funds from a credit card server, as discussed above.

Re claim 58, though silent to levying a fee for handling the funding of the transaction, the Examiner notes that it is well known and conventional in the art that fees are assessed for electronic card transactions, and typically the point of sale terminal/store pays the fees. Accordingly, fees for card-based transactions are an obvious expedient, as a means for paying for a convenience that a store can provide to its customers (electronic transactions). Additionally, the Examiner notes that fees are well known and conventional at ATM machines when different financial institutions accounts are accessed.

7. Claims 6-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nel, as discussed above, in view of Ramachandran (as cited in a previous Office Action).

The teachings of Nel have been discussed above.

Nel teaches a smart card, but is silent to the means of populating/storing account identifiers in the card by scanning a barcode of a document (claim 6), scanning a barcode of an account statement (claim 7), scanning a barcode including a routing and account number (claim 8), storing the routing and account number (claim 9), copying information from a credit report to memory (claim 10), copying a routing and account number to memory (claim 11), importing information from a magnetic stripe of a card (claim 13), and importing a routing number and account number from a stripe of another card (claim 14).

Re claims 6-11, Ramachandran teaches a bar code reader to populate a card with account identifiers by scanning a barcode of a card (document), and storing the associated information into the card memory (paragraph [0033] and FIG. 43-52). Accordingly, Ramachandran is relevant to importing card information from barcode reading. The Examiner notes that the type of medium from which the barcode is read from, appears a matter of intended use. As Ramachandran teaches the structure to permit barcode information relating to cards to be stored, it would have been obvious to one of ordinary skill in the art to import such barcode information from well known documents such as account statements, credit reports, etc. As discussed in the previous Office Action, routing numbers and account numbers are well known and conventional in the art as being associated with accounts. Accordingly, when importing/saving account information, it would have been obvious to include such information, as a means to securely and uniquely identify the account. Re claim 13, Ramachandran teaches populating a memory of a universal card by electronically importing account information from a magnetic stripe on a card

(FIG. 15-24). Re claim 14, as discussed in the previous Office Action, magnetic stripes can store such account identifying information in order to securely and uniquely identify the account.

At the time the invention was made it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Nel with those of Ramachandran.

One would have been motivated to do this in order to have convenient ways of importing card information from different accounts.

8. Claims 1-5, 6-11, 13, 14, 16-17, and 53-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran, as discussed in a previous Office Action, in view of Lim (US 2003/0061156).

Ramachandran teaches a multifunction card that stores various credit/debit/card account information, and allows a user to select an account to use to facilitate a transaction (abstract and as discussed in a previous Office Action).

Ramachandran is silent to the funds being transferred in real time. Lim teaches a method of funding a transaction between first and second different users comprising transferring funds in real time from the first account of the first user to the second account of the second, different user (paragraph [0028] +).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ramachandran with those of Lim.

One would have been motivated to do this to provide real time transfer of funds, in order to make it easier for the stores to manage the settlement status.

Re claim 2, as the card is used for a purchase, a retailer/stores account is credited.

Re claim 3, as funds are transferred from a users credit card account, to the retailers account, it is interpreted as being directly transferred.

Re claim 4, the account identifiers are interpreted to be read from a card reader of a terminal/checkout, as is conventional in the art, to gather card/user information for the transaction.

Re claim 5, the Examiner notes that upon reading a card, transaction information is sent to a terminal/checkout to complete the transaction electronically. A controller/processor is well known and conventional in such instances to perform the transaction, and is an obvious expedient to be used in the device to electronically complete the transaction.

Re claims 6-11, Ramachandran teaches a bar code reader to populate a card with account identifiers by scanning a barcode of a card (document), and storing the associated information into the card memory (paragraph [0033] and FIG. 43-52). Accordingly, Ramachandran is relevant to importing card information from barcode reading. The Examiner notes that the type of medium from which the barcode is read from, appears a matter of intended use. As Ramachandran teaches the structure to permit barcode information relating to cards to be stored, it would have been obvious to one of ordinary skill in the art to import such barcode information from well known documents such as account statements, credit reports, etc. As discussed in the previous Office Action, routing numbers and account numbers are well known and conventional in the art as being associated with accounts. Accordingly, when importing/saving account information, it would have been obvious to include such information, as a means to securely and uniquely identify the account.

Re claim 13, Ramachandran teaches populating a memory of a universal card by electronically importing account information from a magnetic stripe on a card (FIG. 15-24).

Re claim 14, as discussed in the previous Office Action, magnetic stripes can store such account identifying information in order to securely and uniquely identify the account.

Re claims 16-17, though silent to a PIN to verify a user of the card, the Examiner notes that a PIN or other code is well known and conventional in electronic card based transactions, and one would have been motivated to use such a means for improved security.

Re claim 52, though silent to authorization, the Examiner notes that PINs, for example, are an obvious expedient to provide security, and would have been obvious to one of ordinary skill in the art.

Re claims 53-54, as Ramachandran stores debit, credit, and banking cards, it is interpreted as being able to perform banking and non-banking transactions.

Re claims 55, and 59-63 the Examiner notes that the claims are directed towards specific types of payments/transfers being made. Though the prior art is silent to such specific types of payments, the Examiner notes that self service terminals/ATMs as taught above are well known and conventional in the art for facilitating transfers, purchases, and payment of debt. The particular type of transfer/financial transaction is a matter of intended use. The Examiner notes that such terminals are known in the art to complete various financial transactions, and the completion of the specific type of transactions as claimed, would have been obvious to one of ordinary skill in the art, as a means to electronically complete a transaction at a terminal, where the terminal provides a convenience by permitting such transactions to be completed.

Re claim 56-57, FIG. 72 teaches displaying account information/balance.

Re claim 58, though silent to fees, the Examiner notes that fees are commonly associated with electronic/card based transactions at a point of sale device. Therefore fees are an obvious expedient to generate revenue.

Re claim 64, Ramachandran teaches the limitations, as discussed above (FIG. 72).

Re claims 65-68, the limitations have been discussed above.

9. Claims 1-5, 16-17, 26-39, 41-50, 59-63, and 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda (US 6,925,439) in view of Lim as discussed above.

Re claims 1-24 and 52-63,

Pitroda teaches a card with a memory to store a plurality of account identifiers associated with accounts which can be used to fund a transaction, permits a user to select an account, (see col 16). Though silent to a server, the Examiner notes that a server to communicate the necessary information is an obvious expedient to complete the transaction.

Pitroda is silent to real time transfer.

Lim teaches such limitations as discussed above.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Pitroda with those of Lim.

One would have been motivated to do this to provide the retailer with easier means to manage settlement status.

Re claim 2, the Examiner notes that when a card purchase is made at a retailer, funds are transferred to the retailer.

Re claim 3, as the funds are transferred from a user to a retailer, it is interpreted as direct.

Re claim 4, the UET card is read when a transaction is conducted, so it is interpreted that card identifiers are obtained by the card reading device.

Re claim 5, as the card is read, the Examiner notes that signals are generated as is conventional in the art and a controller/processor performs electronic processing of the transaction.

Re claim 16-17, FIG. 11 of Pitroda teaches verifying a user of the card.

Re claims 26-30, the Examiner notes that such transactions are well known and conventional in the art for being performed electronically/through the use of a debit card, and appear to be matters of intended use. The prior art teaches the structure of a card being able to complete a transaction instantaneously (transfer of funds). The specific types of transactions are obvious to one of ordinary skill in the art. Therefore, one would have been motivated to complete such transactions based on their financial situations/needs.

Re claim 31, the examiner notes that such identifiers are obvious, as discussed above. Pitroda teaches account numbers (col 3, lines 20+), but not a routing number. However, the obviousness of a routing number has been discussed above, as a means to authenticate a card.

Re claim 32-33, as Pitroda stores a variety of cards, it is used for banking and non-banking transactions.

Re claims 34-35, the Examiner notes that as different institutions communicate information, a server is a well-known and conventional means to communicate over a network, and therefore is an obvious expedient.

Re claims 36-39, 47-50, and 59-63, the Examiner notes that the claims are directed towards specific types of payments/transfers being made. Though the prior art is silent to such



specific types of payments, the Examiner notes that self service terminals/ATMs as taught above are well known and conventional in the art for facilitating transfers, purchases, and payment of debt. The particular type of transfer/financial transaction is a matter of intended use. The Examiner notes that such terminals are known in the art to complete various financial transactions, and the completion of the specific type of transactions as claimed, would have been obvious to one of ordinary skill in the art, as a means to electronically complete a transaction at a terminal, where the terminal provides a convenience by permitting such transactions to be complete.

Re claim 41, the limitations have been discussed above. Though silent to a WAN, the Examiner notes that wide area networks are an obvious expedient to communicate of distances, electronically.

Re claims 42-46, the limitations have been discussed above. Re claim 44, the Examiner notes that a financial services server is sufficiently broody to include a credit card server, for example.

Re claims 65-68, the limitations have been discussed above.

### ***Conclusion***

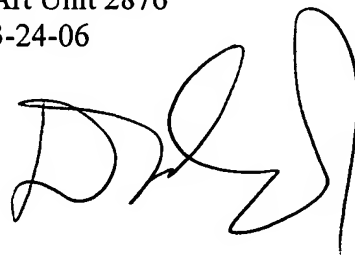
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is listed on the attached PTO-892 form. The Examiner notes that the relevant art teaches instantaneous/real time transfer/settlement of funds. Additionally, the Examiner notes that Wallerstein, as cited by the Applicant, teaches programming of multiple accounts onto one card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh  
Examiner  
Art Unit 2876  
3-24-06

A handwritten signature in black ink, appearing to be 'DW', located below the typed name and date.